



# Office Consolidation Procedural By-law No. 7665/18

Passed by Council on December 10, 2018

Last Update: September 28, 2020

## Amendments:

By-law 7678/19	February 25, 2019	Add Sections 03.03 and 03.04
By-law 7685/19	March 25, 2019	Add Section 06.03 and renumber accordingly
By-law 7749/20	March 23, 2020	Add Section 9 and renumber accordingly (repealed)
By-law 7753/20	April 27, 2020	Amend Sections 09.01, 09.03 and 09.04 (repealed)
By-law 7771/20	July 27, 2020	Repeal and replace Section 9 and renumber accordingly
By-law 7781/20	September 28, 2020	Sections 04.01 b) and 11.01, as amended be repealed and replaced.

# The Corporation of the City of Pickering

## By-law 7665 /18

Being a by-law to govern the proceedings of Council, any of its committees, the conduct of its Members, and the calling of meetings.

Whereas, Subsection 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Now therefore the Council of the Corporation of the City of Pickering hereby enacts as follows:

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## 01 Definitions

- a) "Act" - The *Municipal Act, S.O. 2001, c.25*, as amended or re-enacted from time to time;
- b) "Acting Mayor" - The member of Council appointed to act in place of the Mayor under section 242 of the Act;
- c) "Chair" - the person elected or chosen to preside over a Council, Standing Committee or other type of meeting;
- d) "Chief Administrative Officer" - the Chief Administrative Officer of the City of Pickering;
- e) "Clerk" - the Clerk of the City of Pickering;
- f) "Closed Meeting" - a Meeting which is not open for public attendance;
- g) "Committee" - includes Standing Committees, Ad-Hoc Committees and Advisory Committees, which may be appointed by Council from time to time;
- h) "Council" - the Council of the City of Pickering;
- i) "Councillor" - the elected representative of a Ward on the Council of the City of Pickering;
- j) "Delegation" - an address to Council or a Committee by one or more persons who are not members of Council or City staff;
- k) "Inaugural Meeting" - the first meeting of a new Council after a municipal election where the declarations of office are made;
- l) "Majority" - greater than 50% of the Members present;
- m) "Mayor" - the Head of Council for the City of Pickering;
- n) "Meeting" - any regular, special or other meeting of Council, of a Local Board or of a Committee where a quorum of members is present and the members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council, Local Board or Committee
- o) "Member" - a member of the Council or Committee;
- p) "Notice of Motion" - advance notice to Members of a matter on which Council will be asked to take a position;

- q) “Pecuniary Interest” - a direct or indirect Pecuniary Interest within the meaning of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, as amended;
- r) “Presentation” - a ceremonial presentation to or from the City of Pickering;
- s) “Public Consultation Meeting” - a meeting hosted by staff, committee or Council in order to receive input from the public regarding a specific matter;
- t) “Recorded Vote” - the making of a written record of the name and the vote of each Member who votes on a question;
- u) “Regular Meeting” - a scheduled meeting held in accordance with the approved calendar/schedule of meetings;
- v) “Rules of Procedure” - the rules which are set forth in this by-law;
- w) “Special Meeting” - a meeting of Council or a Committee that is arranged outside of the normal meeting schedule to deal with only specific item(s) of business;
- x) “Standing Committees” – the Meetings referred to in section 4.5 of this By-law; and,
- y) “Statutory Public Information Meeting” - a meeting that is legislated under an Act and hosted by staff, standing committee or Council in order to inform the members of the public about a matter.

## **02 Application of this By-law**

The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules of order of business in Council and Committee. In the case for which provision is not made in this By-law, the procedure to be followed shall be determined by a majority vote of the Members present and voting.

## **03 Duties**

### **03.01 Council**

Members of Council shall come prepared to every Meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the Meeting. Whenever possible, the Member(s) shall make inquiries of staff regarding the materials supplied in advance of the Meeting.

- 03.02 The Mayor/Chair shall:
- a) Open the Meetings by taking the chair and calling the Members to order.
  - b) Announce the business before Council or the Committee and the order in which it is to be acted upon.
  - c) Receive and submit, in the proper manner, all motions presented by the Members.
  - d) Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and announce the result.
  - e) Enforce the Rules of Procedure and rule upon all procedural matters.
  - f) Restrain the Members, when engaged in debate, within the Rules of Procedure.
  - g) Enforce on all occasions the observance of order and decorum by the Members and any other persons present in the Chamber.
  - h) Call by name, any Member persisting in breach of the Rules of Procedure and to order him/her to vacate the Chamber in which the Meeting is being held.
  - i) Where it is not possible to maintain order, the Chair may, without any motion being put, recess or adjourn the Meeting to a time to be named by the Chair.
  - j) Permit questions to be asked through the Chair of any staff in order to provide Members with information to assist any debate when the Chair deems it proper.
  - k) Rule on any points of order or points of privilege without debate or comment.
  - l) Rule whether a motion or proposed amendment is in order.
  - m) Ascertain that all Members who wish to speak on a motion have spoken and that the Members are ready to vote, and shall then put the vote.
  - n) The Chair may speak and/or vote on any question, but if he/she wishes to make a motion, he/she shall first leave the Chair by designating an Acting Chair to act in their place, until they resume the Chair.



- o) Call for a motion to adjourn the Meeting when the business is concluded.

03.03 In accordance with Section 259(1) of the *Municipal Act*, 2001, the office of a Member becomes vacant if the Member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council. This section does not apply to a Member who is absent for 20 consecutive weeks or less if the absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member. (By-law No. 7678/19)

03.04 A Member who takes a pregnancy or parental leave shall notify the City Clerk in writing and will continue to be compensated under the Council Compensation Policy for the duration of their leave up to 20 consecutive weeks. (By-law No. 7678/19)

## **04 Types of Meetings of Council**

04.01 Inaugural Meeting

- a) The inaugural meeting of Council shall be held on the first Monday after Council takes office pursuant to the *Municipal Elections Act*.
- b) The order of business for the first meeting of Council shall be as follows:
  - i) Call to Order
  - ii) Invocation
  - iii) Indigenous Land Acknowledgment Statement
  - iv) Swearing in ceremony
  - v) Inaugural address
  - vi) Adjournment.

04.02 Regular Council Meetings

All regular Meetings of the Council shall be held on the fourth Monday of each month at the hour of 7:00 pm unless otherwise provided by resolution of the Council. If a Council Meeting falls on a public or civic holiday, the Council shall meet at the same hour on the next following day, which is not a public or civic holiday, unless otherwise provided by resolution of the Council.

04.03 Special Meetings of Council or a Standing Committee

- a) In addition to regular Meetings, the Mayor may at any time summon a Special Meeting of Council or a Standing Committee by giving written direction to the Clerk stating the date, time and purpose of the special Meeting.

- b) Upon written receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose and at the time and date mentioned in the petition.
- c) The Clerk shall give all Members notice of a Special Meeting twenty-four hours before the time appointed for such Meeting. Notice will deem to have been given on the day that the Notice was delivered by electronic mail to the address provided by the Member of Council to the Clerk for delivery of Notices, and in default of provision of such address, to the Member's City Hall office.
- d) The notice to be given shall indicate the nature of the business to be considered, as well as the Special Meeting, date, time and place of the Special Meeting.
- e) No business other than that indicated in the notice shall be considered at the Special Meeting.

#### 04.04 Closed Meetings

All Meetings of Council closed to the public will be held prior to the regular start time, unless otherwise provided by resolution of Council, and will only deal with matters that Council is authorized to deal with in a closed session.

#### 04.05 Standing Committee Meetings

- a) There shall be a Planning & Development Committee and an Executive Committee, to be considered as Standing Committees of Council for the purposes of this By-law, to be organized as follows:
- b) The Planning & Development Committee and the Executive Committee shall be comprised of all Members of Council.
- c) The Executive Committee shall meet on the first Monday of each month at 2:00 pm in the Council Chambers, unless otherwise provided by resolution of the Council. It shall be the duty of the Executive Committee to study and report to Council on matters under the jurisdiction of the Office of the CAO, the Community Services Department, the Corporate Services Department, the Engineering Services Department, Finance Department, the Human Resources Department, and the Fire Services Department.
- d) The Planning & Development Committee shall meet on the first Monday of each month at 7:00 pm in the Council Chambers, unless otherwise provided by resolution of the Council. It shall be the duty of the Planning & Development Committee to study and report to Council on matters under the jurisdiction of the City Development Department.

#### 04.06 Statutory Public Information Meetings

- a) Public hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council, or when considered desirable by staff.
- b) Appropriate advertising shall be undertaken as required by applicable legislation, by-law or according to City policy, to advise interested persons of the subject, date and time.

#### 04.07 Advisory Committees

- a) All Advisory Committees of Council are required to adhere to this Procedural By-law and the general terms of reference for all advisory committees and at the first meeting following a general municipal election, are required to adopt and approve the specific terms of reference for the committee and forward to Council for approval by no later than March following a municipal election;
- b) All advisory committees are required to present a yearly work plan and annual report on the status of the work plan to Council; and
- c) Members of Council that serve on Advisory Committees may move, second and vote on items.

#### 04.08 Special or Ad Hoc Committee

Council may at any time appoint a special or ad hoc Committee to enquire into and report on any matter. When a Special or Ad Hoc Committee has completed its work and made its report to Council, the Committee shall be deemed to be dissolved.

#### 04.09 Appointment of Alternate Member to Upper Tier Council

Council may appoint one of its Members as an Alternate Member of the Upper Tier Council to act in place of any Regional Councillor when they are unable to attend a meeting of the Upper Tier Council for any reason, subject to the following limitations:

- a) No more than one Alternate Member may be appointed during the term of Council;
- b) Notwithstanding Section 4.9(a), if the seat of the appointed Alternate member becomes vacant, Council may appoint another of its members as an Alternate Member for the remainder of the term of Council;
- c) Council may not appoint an alternate for the Alternate Member; and

- d) When acting in their capacity as an Alternate member on the Upper Tier Council, the Alternate Member shall adhere to all policies, procedures, practices, and codes of conduct established by the Upper Tier Council.

## **05 Closed Meeting Rules**

### **05.01 General**

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or

- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

#### 05.02 Public Information on Closed Meeting Business

- a) Before holding a Closed Meeting or part of a Meeting that is to be closed to the public, Council or a Committee must state the fact of the holding of the closed meeting, and the general nature of the matter to be considered at the closed meeting and, if the Closed Meeting is an educational or training session the fact that it is closed pursuant to section 239(3.1) of the Act.
- b) If a member of Council wishes to introduce new business at a Closed Meeting, it must be introduced in open session after roll call while Council is still in the Chambers. Two-thirds of Council must determine, by vote, whether the matter will be dealt with in closed session that evening. No debate on the issue will take place until the motion to deal with the new business has been decided.

#### 05.03 Information - Confidential

All information, documentation or deliberations received, reviewed, or taken in a Closed Meeting, including the detailed agenda, is confidential and must not be released to the public or any individual not entitled to be present at the Closed Meeting.

#### 05.04 Distribution of Confidential Material

The Clerk must distribute all confidential reports and material for Closed Meetings in sealed envelopes that are marked with each Member's name. Confidential material must not be emailed to Members or staff.

#### 05.05 Limits on Voting Actions at Closed Meeting

No voting may take place during a Closed Meeting except if the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the City, or persons retained by or under contract with the City.

#### 05.06 Attendance at a Closed Meeting

Members can only attend a Closed Meeting in person.

#### 05.07 Final Decision on Item from Closed Meeting

Subject to the provisions of Section 239 of the Act, a Closed Meeting agenda item that requires a final decision must be implemented by Council resolution or By-law at a future public meeting of Council.

05.08 Authority to Speak on Closed Meeting Matters

When a decision is made by Council to relay information to the public regarding a Closed Meeting item, the Mayor or the Mayor's delegate will release the information.

05.09 Confidential Report

When a Closed Meeting of Council has been held, the Public Agenda of the Closed Meeting shall be available at the first Regular Council meeting following the Closed Meeting.

05.10 Enquiries regarding Closed Meetings

The response of Members to inquiries about any matter dealt with by Council or a Committee at a Closed Meeting, prior to it being reported publicly, must be "no comment", or words to that effect. No member is allowed to release or make public any information considered at a Closed Meeting or discuss the contents of such a Meeting with anyone other than Members or staff who were present at the Closed Meeting.

05.11 Contraventions

- a) Any Member who contravenes section 5.8 or section 5.9 is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- b) A decision to prosecute a Member under this section may only be made after Council has met to consider the matter, at which time the Member proposed to be prosecuted may be present and has the option of attending with legal counsel. The said Member has the option of requesting that the Meeting be held in public or that it be closed to the public.
- c) No prosecution for a contravention of section 5.8 or section 5.9 may be commenced except on the direction of Council, expressed in a resolution of Council.

05.12 Complaints about the Appropriateness of a Closed Meeting

A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law in respect to a Closed Meeting or part of a Closed Meeting will be undertaken by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator.

Any complaints made in relation to the appropriateness of a Closed Meeting under section 239.1 of the Act must be in writing pursuant to

section 239.2 of the Act and directed to the Clerk who will forward to the Investigator appointed by Council to review complaints. All complaints are confidential and forwarded directly to the investigator to be dealt with as required by section 239.2 of the Act.

#### 05.13 Education & Training Sessions

- a) The Council, in deciding to convene an Education & Training Session, shall designate the general purpose or purposes for which the session is to be held as permissible under Section 239 of the *Municipal Act, 2001*.
- b) Notice shall be given in accordance with Section 07.
- c) At the meeting, no member shall discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council.
- d) The Clerk shall take notes describing in general terms each subject matter dealt with at an Education & Training Session.

## 06 Disclosure of Pecuniary Interest Rules

#### 06.01 Actions regarding a Meeting

Where a Member has a pecuniary interest as defined in the *Municipal Conflict of Interest Act*, the Member shall prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof. The Member shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during, or after the meeting to influence the voting on any such question. Members shall not request the Clerk or other Staff members to provide advice or comment on whether a Member has a pecuniary interest.

06.02 Where the meeting is not open to the public, in addition to declaring the conflict, the member shall leave the meeting or the part of the meeting during which the matter is under consideration.

06.03 Notwithstanding Section 06.02, if the matter under consideration pertains to whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*, the member may take part in the discussion of the matter, including making submissions to Council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter. In the case of a meeting that is not open to the public, the member may attend the meeting or part

of the meeting during which this matter is under consideration. (By-law No. 7685/19)

06.04 Where a member is absent from a meeting which includes a matter on which they have a pecuniary interest, the Member shall disclose the interest at the next meeting attended by the Member.

06.05 The Clerk shall record any declarations of interest made by a Member in the meeting minutes, noting the matter and the general nature of the declaration.

06.06 Any verbal declarations made under Section 06.01 of this By-law shall also be submitted in writing to the Clerk using the prescribed form and shall be made available in the office of the Clerk through a Disclosure of Interest Registry.

## **07 Notification of Meetings**

### **07.01 Public Notification**

Public notification shall be deemed to have been given by the posting of the Council or Committee agenda on the City website and available for public review in the office of the City Clerk as follows:

- a) Committee Meetings – by 4:00 pm on the Friday, 10 days prior to the meeting date.
- b) Council Meetings – by 4:00 pm on the Friday preceding the Council meeting.
- c) Special Meetings – at least twenty-four hours preceding the meeting.
- d) Closed Meetings – at least twenty-four hours preceding the meeting.

### **07.02 Emergency Notification**

Emergency Meetings may be held, without written notice, to deal with issues that may urgently affect the health or safety of residents. The Clerk shall attempt to notify the public of emergency Meetings as soon as possible and in the most expedient manner available.

### **07.03 Cancellation/Postponement of Meetings**

Any meeting may be cancelled or reschedule to a day, time and place set out in a written notice from the Clerk, sent to each Member at least twenty-four (24) hours before the scheduled date of the meeting.

Upon notice of a Meeting cancellation, the Clerk shall attempt to notify the public as soon as possible and in the most expedient manner available.



**08 Meetings**

## 08.01 Place of Meetings

All regular Meetings of the Council and Standing Committee meetings shall be held in the Council Chambers at the City of Pickering Civic Complex, One The Esplanade, Pickering, Ontario, unless otherwise decided by resolution of Council.

## 08.02 Chairing of Meetings

- a) Every Council meeting shall be chaired by the Mayor, if present;
- b) The Chair of the Standing Committees shall be rotated each meeting amongst the Members of Council, in alphabetical order.

## 08.03 Clerk's Attendance at Meetings

The City Clerk or Clerk's designate, shall be present at all Meetings of Council; however, he/she may delegate some member of staff to act in his/her stead at a Standing Committee Meeting.

## 08.04 Recording of Minutes

- a) The Clerk shall record without note or comment all resolutions, decisions and other proceedings at a Meeting, whether it be closed to the public or not;
- b) The record required by the *Municipal Act* in respect of a Meeting, shall be made by:
  - i) The Clerk, in the case of a meeting of Council; or
  - ii) The appropriate officer, in the case of a meeting of a Committee.

## 08.05 Committee Meetings - Rules of Procedure

The rules of procedure set out in this By-law shall be observed in Meetings of the Committees insofar as they are applicable, provided that:

- a) A report, setting out the recommendations of any Committee, shall be forwarded to the first regular Council Meeting following the meeting of the Committee.

## 08.06 Prohibited – Signs, Banners, Emblems, Flags, Cameras, Video Recordings

To ensure that all members of the public are comfortable participating in Meetings:

- a) Signs, banners, emblems, flags, cameras, audio and video recordings by the public are prohibited in the Chambers except by permission of the Chair;
- b) Notwithstanding the foregoing, the provisions of section 8.6 shall not apply to City Staff, Rogers Cable or any other media, broadcasting or webstreaming service provider permitted by Council.

#### 08.07 Access to Council Floor

No person except members of Council, the Clerk, and officials authorized by the Clerk:

- a) Shall be allowed on the floor of the place a Meeting is being held while Council or a Committee is sitting;
- b) Material to be distributed to Council during a Meeting can only be distributed by the Clerk or the Clerk's designate.

#### 08.08 Meeting Called to Order

The Chair, as soon after the hour is fixed for the holding of the Meeting of the Council, and if a quorum is present, shall take the Chair and call the Meeting to order.

#### 08.09 Quorum

- a) If a quorum is not present one-half hour after the time appointed for a Meeting of the Council and/or Committee, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the next Meeting.
- b) A majority of the Members elected to the Council shall constitute a quorum.

#### 08.10 Absence of Chair

- a) Council Meetings - If the Mayor does not attend within fifteen minutes after the hour is fixed for the holding of the Meeting of the Council and if a quorum is present, an Acting Mayor who has been appointed to this position by a resolution of Council shall preside over the Meeting and have the same authority to chair the Meeting as the Mayor would have had, if present.

- b) When the Mayor and Acting Mayor are absent or refuse to act, the Council may by resolution appoint one of its Members to act in the place and stead of the Mayor and Acting Mayor, and such Member shall have the same authority to chair the Meeting as the Mayor.
- c) Standing Committee Meetings – If the Chair does not attend within fifteen minutes after the hour is fixed for the holding of the Meeting of the Committee and if a quorum is present, the Council Member who is next in alphabetical order to Chair will assume the position of Chair.

08.11 Agendas and Minutes

The agendas, minutes and any written notices pertaining to any Standing Committee and Council Meeting shall be sent to all Members of Council.

08.12 Consideration of Items

Council may consider any matter without referring it to a Committee or may refer it to a Committee or to any number of Committees, and may withdraw a matter from a Committee at any time.

08.13 Adjournment Hour/All Meetings

All regular Meetings shall stand adjourned when all business has been completed as listed on the Order of Business or at the hour of 12:00 am.

08.14 Motion to Continue Past 12:00 am

- a) In the event the business before Council has not been completed at the hour of 12:00 am, then Council may, by a majority vote of all the Members present, approve an extension of the Meeting to the hour of 1:00 am.
- b) At 1:00 am, any unfinished business shall be deferred to the next regular Meeting of Council, unless a resolution of Council is made to reconvene the Council Meeting to another day and time prior to the next regular Meeting of Council. A resolution to reconvene to another day and time requires a majority vote. If a resolution of Council to reconvene the Council Meeting to another day prior to the next regular Meeting is adopted, the Meeting must be rescheduled not sooner than 48 hours after the original Meeting in order to provide Council, staff and interested parties an opportunity to make arrangements to attend the rescheduled Meeting.
- c) Motions to continue past 12:00 am are not debatable.

**09 Electronic Participation (By-law No. 7771/20)**

- 09.01 A Member of Council may participate electronically in a Meeting that is either open or closed to the public should they be unable to participate in person for medical reasons, illness or in the event of a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies, and in doing so may be counted in determining whether or not a quorum of members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 09.02 A Member of an Advisory or Ad-Hoc Committee may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 09.03 The City Clerk may provide for electronic participation of staff at any Meeting, including the City Clerk.
- 09.04 Electronic meetings are those held by means of telecommunication instruments including but not limited to telephones, video conferencing, computers with internet access and conferencing platforms and programs. The means used to facilitate an electronic meeting shall be determined by the City Clerk.
- 09.05 A Member must provide sufficient notice to the City Clerk, their designate, or the Staff Liaison of a Committee, of their intent to participate electronically in a Meeting to ensure the proper technology is enabled to make electronic participation possible. The Member must give at least 48 hours' notice of their intent to join the meeting electronically unless extraordinary circumstances apply.
- 09.06 A member of the public may delegate via electronic participation due to a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies.
- 09.07 The City Clerk shall arrange for such delegations, and any members of the public who wish to make a verbal delegation to a Standing Committee or Council via electronic participation shall register with the City Clerk by noon on the business day prior to the Meeting for items listed on an agenda and ten (10) days in advance of the Meeting date for items not listed on an agenda. Delegates shall provide a phone number to be connected into the meeting via audio. Delegations who have not registered by the deadline will not be permitted to delegate.



- a) decide that there was no breach of the rule;
- b) ask the Member in breach of the rules to stop the behaviour;
- c) ask the Member to withdraw what was said; or
- d) ask the Member to apologize.

10.04 If previous attempts to call the member to order have failed, the Chair may decide, not to recognize the Member, for the balance of that meeting, in which case the Member shall not speak or vote for the remainder of that Meeting.

## **11 Order of Business**

11.01 The Order of Business:

- a) Meeting Called To Order
- b) Invocation
- c) Indigenous Land Acknowledgment Statement (By-law 7781/20)
- d) Disclosures of Interest
- e) Approval of Minutes
- f) Presentations
- g) Delegations
- h) Correspondence
- i) Committee Reports
- j) New and Unfinished Business
- k) Motions and Notices of Motion
- l) By-laws
- m) Confidential Council
- n) Other Business
- o) Confirmation By-law
- p) Adjournment

11.02 Change in Order

All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by a vote of the majority of the Members present and voting.

## **12 Presentations**

Presentations

- a) Charities, organizations or individuals wishing to address Council to inform Members of special events or achievements, to seek Council's recognition of an event or achievement or to make a presentation to Council shall request the opportunity to be granted presentation status.
- b) It shall be the duty of the Mayor to make presentations and to accept presentations, on behalf of Council, at Meetings of Council. Where a presentation is made or accepted from an organization on which a member of Council has been appointed to sit, the presentation shall be jointly made or accepted with the appointed member of Council. Where otherwise appropriate, presentations may be made or accepted jointly with another Member or Members of Council.
- c) The request for presentation status shall be submitted to the Clerk, in writing, no later than 14 days preceding the Meeting at which the presentation is to be made.

## **13 Delegations**

### **13.01 Delegations**

- a) Delegations are encouraged to appear before the Standing Committee having charge of the matter which is the subject of the delegation.
- b) Delegations that have appeared at a Standing Committee regarding a particular matter and wish to relay additional and/or new information about that matter at Council may do so.
- c) All delegations for items listed on an agenda shall register in writing with the City Clerk by 12:00 noon on the Meeting date.
- d) All delegations for items not listed on an agenda shall register ten (10) days prior to the Meeting date.
- e) Delegations that have not registered in writing by the timelines noted in 12.1(c) and 12.1(d) shall only be heard at a Meeting if permitted by a two-thirds majority vote of Members present at the meeting.
- f) Delegations are encouraged to submit a written brief and, if the brief is submitted to the Clerk by 12:00 noon on the Friday preceding the Meeting, it shall be copied and distributed as "Delegation" submissions to Members.

- g) A delegation appearing before Council or Committee for items not listed on an agenda shall not be placed on an Agenda to discuss the same matter within six (6) months of the last appearance by the same delegate, unless otherwise approved by Council.

#### 13.02 Delegation Time Limit

- a) A maximum of 10 minutes shall be allotted for each delegation to present his/her/their position at a Meeting.
- b) A delegation will not be permitted to take any unused time allocated to another delegation.

#### 13.03 Delegations at a Statutory Public Meeting

Delegations will be permitted from the gallery without prior registration only during the Statutory Public Information Meeting portion of a Meeting held under the provisions of the *Planning Act*, or prior to the adoption of certain by-laws at a Council Meeting, if required to comply with applicable laws. Delegations are not required to register for a Statutory Public Information Meeting but are encouraged to do so in order to facilitate the efficient conduct of the Meeting.

#### 13.04 Delegations Requesting Action

Delegations which appear at a Meeting and request that action be taken by the Council shall, if required by a majority of the Members present at the Meeting, be referred to City staff for a report that shall be dealt with at a future Meeting of Council.

#### 13.05 Audio Visual Equipment for Delegations

The City's audiovisual equipment may be used to assist in presentations by delegations, provided that permission has been obtained for use of such equipment from the Clerk at least 5 working days prior to the Meeting date. All presentation materials must be delivered to the Clerk by 12:00 noon on the Friday before the meeting at which the delegation is to appear.

#### 13.06 Priority of Delegations

Delegations shall be listed in the agenda in the order in which the Clerk received the requests. It being understood that where more than one person wishes to make a presentation, on a particular matter, the proponent or his or her authorized representative, will be listed last in order to afford the proponent the opportunity of making a presentation after all other interested persons have done so.



**13.07 Conduct of the Delegation**

- a) The Chair may curtail any delegation and any questions to a delegation for disorder or any other breach of this by-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall end the delegation.
- b) Delegations shall not:
  - i) speak disrespectfully of any person;
  - ii) use offensive words;
  - iii) speak on any subject other than the subject for which they have received approval to address Committee or Council;
  - iv) disobey a decision of the Chair or Committee or Council;
  - v) debate with other delegations, City staff, Council Members or the Chair.

**13.08 Questions to the Delegation**

- a) Upon the completion of a presentation to Committee or Council by a delegation, any discussion between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only.
- b) All questions to a delegation from Members shall be stated succinctly. Members shall not question a delegation for the purpose of expanding the scope of the delegation's remarks or for adding the Member's own statements through the delegation. Delegations are an opportunity for delegates, not Members, to make their views known. For example, questions from Members such as "are you aware", "do you agree" or "wouldn't you say" shall not be permitted as they do not seek clarification or additional relevant information. Members shall not enter into debate with delegations. Questions to the delegation shall be presented in a courteous and non-argumentative manner.
- c) Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted.

**14 Correspondence**

- 14.01 All correspondence intended to be presented to Council through the Council agenda shall be legibly written or printed, shall not contain any impertinent or improper matter or language and, shall be signed by at least one person and shall be filed with the Clerk by no later than 12:00 noon on the Wednesday before the Meeting of Council.

- 14.02 The Clerk shall prepare a summary of the substance of all correspondence for inclusion in the agenda.

## **15 Committee Reports**

- 15.01 Standing Committee reports that are to be adopted by Council shall be forwarded to the first regular Council Meeting following the meeting of the Standing Committee and shall be listed under the Committee Reports section of the agenda.

## **16 New and Unfinished Business**

- 16.01 Reports of an Urgent Nature

Departmental reports which are deemed by the Chief Administrative Officer to be of an urgent nature and which have not been considered by a Standing Committee shall be listed under the New and Unfinished Business section of the agenda for Council's consideration.

- 16.02 Introduction of a Motion

- a) A Member may, with the consent of two-thirds of the Members present, introduce a motion under New and Unfinished Business if the motion cannot, due to its urgent nature, be properly presented at a Meeting in accordance with Section 16.1.
- b) A Member desiring to introduce a main motion must do so in writing to the Clerk.

## **17 Notice of Motion**

- 17.01 A Member desiring to introduce a notice of motion must do so in writing at any Meeting, at least 10 days prior to the Meeting at which the motion will be dealt with. Introduction of notices of motion must be done as "Other Business".
- 17.02 In order to be listed in the agenda, a copy of the motion being considered by Council, must be forwarded to the Clerk, signed by the mover and seconder, no later than 12:00 pm on the Wednesday prior to the Council Meeting at which the motion will be dealt with.
- 17.03 The Clerk, upon receipt of a notice of motion in accordance with a) and b), shall print the motion in full in the agenda for the Council Meeting at which it is to be dealt with.
- 17.04 A notice of motion that has been introduced but does not appear on the agenda within two Council Meetings shall be removed from the list of upcoming agenda items, unless otherwise directed by Council.

## **18 By-laws**

- 18.01 All by-laws shall be passed in a single motion, unless a Member wishes to discuss the contents of a particular by-law or by-laws, in which case the subject by-law(s) shall be removed from the motion and dealt with separately.
- 18.02 Every by-law, when introduced, shall be in typewritten form, shall be complete except for the by-law date and number and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- 18.03 Every by-law which has been passed by the Council shall be numbered, dated, sealed with the seal of the Corporation, signed by the Mayor and the Clerk and deposited by the Clerk in his/her office for safekeeping.

## **19 Other Business**

### **19.01 Other Business**

At any Meeting under Other Business, Members may congratulate, report on events and promote upcoming events of public importance or interest.

### **19.02 Notice of Motion**

A Member who wishes to give notice of a motion to be brought forward for future Council consideration shall do so in writing under "Other Business".

### **19.03 Substantive Information Reports**

All Members' requests for substantive information or reports from staff shall require the approval of a majority of Members present at a Meeting. Such requests shall identify the appropriate Department and/or Director and the objective(s) of the report.

## **20 Confirmatory By-law**

- 20.01 At the conclusion of all regular and special Meetings of Council, and prior to adjournment, a by-law shall be brought forward to confirm the actions of the Council in respect of all motions, resolutions and other actions taken subsequent to the last regular Council Meeting. A confirmatory by-law, when introduced, shall be taken as having been read and shall be voted on without debate.

## **21 Adjournment**

21.01 The Council may adjourn upon a motion approved by the majority of Members present.

## **22 Rules of Debate**

22.01 Chair Reads Motion Aloud

To begin debate, the Chair reads the motion aloud.

22.02 Requirement to Read Motion

Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

22.03 Decorum During Debate

During debate, and while the Chair is speaking, or when the Council is engaged in voting, no Member is permitted to disturb the Council by whispering, or walking across the floor, or in any other way except to raise a point of order.

22.04 Recognition of Member

Every Member shall raise his/her hand and be recognized by the Chair prior to speaking to any matter or motion.

22.05 Order of Speakers

When two or more Members raise their hands to speak, the Chair shall designate the Member who has the floor who shall be the Member who, in the opinion of the Chair, raised his/her hand first.

22.06 Speaking to a Motion

A maximum of 10 minutes shall be allotted to each member wishing to speak to present his/her position on the motion. No Member shall speak more than once to the same motion except:

- a) with leave of the Chair, for not more than 5 additional minutes, in explanation of a material part of their speech which may have been interpreted incorrectly;
- b) with leave of the Chair, for not more than 5 additional minutes, after all other Members so desiring have spoken; or

- c) in reply, as may be allowed with leave of the Chair, by the Member who presented the motion, in which case the Member shall speak for no longer than a 5 minute period.

#### 22.07 Questioning the Motion

- a) A Member may ask a question during the course of debate only for the purpose of obtaining information relating to the motion under discussion and such question must be stated concisely and asked only through the Chair.
- b) Notwithstanding the above, when a Member has been recognized as the next speaker, such Member may immediately before speaking ask a question through the Chair on the motion under discussion, but only for the purpose of obtaining information, following which the Member shall speak.

#### 22.08 Proceedings Decided by Chair

In all other proceedings of Council, the matter shall be decided by the Chair, subject to an appeal to Council on a point of order.

#### 22.09 Chair's Decision Final Unless Appealed

Unless a Member immediately appeals to the Council the Chair's decision, the decision of the Chair shall be final.

#### 22.10 Appeal of Decision of Chair

If the Member appeals to Council, it shall be done by a duly moved and seconded motion, and Council shall decide the question without debate and the decision shall be final. The question to Council would be "Do you support the Chair's ruling, "Yes" or "No". A tie vote sustains the decision of the Chair.

### **23 Common Motions**

#### 23.01 Seconding

A motion must be formally seconded before the Chair can put the question or for it to be recorded in the Minutes.

#### 23.02 Withdrawal

The mover and seconder may withdraw a motion or a notice of motion at any time prior to it being read and, in such event, the motion shall not be included in the minutes of the Meeting.

After a motion has been read or stated by the Chair, it shall be deemed to be in possession of Council, but may, with the permission of Council, be withdrawn at any time before decision or amendment.

### 23.03 Priority of Disposition

A motion, properly before Council for decision, must be disposed of before any other motion or matter can be introduced, with the exception of any one of the following:

- a) a point of order or personal privilege
- b) to table
- c) to divide
- d) that the question be now put
- e) to refer
- f) to defer
- g) to amend
- h) to suspend any section of the Rules of Procedure
- i) to recess
- j) to adjourn.

### 23.04 Questions of Privilege and Points of Order

The Chair shall preserve order and decide points of order and questions of privilege. When a Member has a point of order or question of privilege, it shall be considered and decided immediately.

The Member shall ask leave of the Chair to rise for the purpose of drawing attention to the matter.

If leave is granted by the Chair, the Member must state his/her point to the Chair as succinctly as possible and await the decision of the Chair.

Once the Chair has made a decision the business of Council shall resume at the point where it was suspended.

### 23.05 Motion to Table

A Member shall not be allowed to speak to a motion and immediately move a tabling motion.

### 23.06 Motion to Divide

A motion containing distinct proposals may be divided and a separate vote shall be taken upon each proposal contained in a motion if decided upon by a majority vote of the Members present and voting.

### 23.07 Referral Motion

A motion to refer a motion or matter to a Committee or to City staff with instructions is debatable and amendable but, shall be disposed of by Council before the original motion or any other motion pertaining to the original motion.

A member who moves a motion to refer shall also include in the motion:

- i) The name of the committee, body or official to whom the motion or amendment is to be referred;
- ii) The terms upon which it is to be referred; and
- iii) The date or period, if any, within which the matter is to be returned.

### 23.08 Motion to Postpone to a Certain Time/Deferral Motion

A motion to defer a matter to a different time must include time, place, and the purpose of the deferral, if applicable and shall be in order after a motion is read or stated by the Chair and debate shall be confined to the time and place to which the matter shall be deferred.

### 23.09 Amendments

- a) A motion to amend:
  - i) shall be presented in writing if requested by the Chair;
  - ii) shall be relevant to the original motion;
  - iii) shall be disposed of by Council before the original motion; and
  - iv) shall not be received if it proposes a direct negative to the original motion.
- b) a motion to amend an amending motion shall be disposed of by Council before the motion to amend the original motion;
- c) only one motion to amend an amendment to the original motion shall be allowed and any further amendment must be to the original motion;

### 23.10 Motion to Adjourn

- a) Is not debatable or amendable;
- b) Is always in order except when a member is speaking or during a vote;
- c) If carried, requires that the Meeting be immediately halted, regardless of the stage of proceedings;

- d) If not carried, no new motion to adjourn may be made again until after some intermediate proceedings shall have been completed by Council.

23.11 Reconsideration

After a matter has been decided, any Member who voted in the majority may move for reconsideration at the same Meeting, or may give notice of a motion for reconsideration of the matter at a subsequent Meeting. No discussion of the original motion shall be allowed until the motion for reconsideration has carried. A reconsideration motion requires a two-thirds vote of the Members present. No matter shall be reconsidered more than once within 12 months.

23.12 Motion to Rescind

A motion to rescind a previous resolution of Council requires a majority vote of the Council at a Council Meeting provided that notice has been given at the previous meeting or in the call of the Meeting and if notice has not been given, a motion to rescind requires a two-thirds vote of the Members present and voting.

23.13 Question Stated

Immediately preceding a vote, the Chair may state the motion in the form introduced and shall do so if requested by a Member. The motion shall be stated in the precise form in which it will be recorded in the Minutes.

23.14 No Interruption After Question

After the Chair has called the vote on a motion, no Member shall speak to the motion, nor shall any other motion be presented until, after the vote and the result has been declared.

## 24 Voting

24.01 Requirement to Vote

All members present and seated must vote. If a Member is present and does not vote he/she is deemed to have voted in the negative.

24.02 Vote Not Allowed

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.

24.03 Voting on Amendments



Amendments are voted upon before the main motion and if there are numerous amendments, the Chair may place them in the most logical, practical and expeditious order for consideration.

24.04 Determination of Votes

The manner of determining the decision of Council on a motion shall be by the prominent show of hands.

24.05 No Secret Voting

No vote may be taken by ballot or any other method of secret voting.

24.06 Decorum While Calling Vote

When the Chair calls for the vote on a motion, each Member shall occupy their seat, and shall remain in their seat, until the result of the vote has been declared by the Chair, and during such time no Member shall cross the floor or speak to any other Member or make any noise or disturbance.

24.07 Disagreement with Result of Vote

If a Member disagrees with the announcement of the Chair that a motion is carried or defeated, the Member may, but only immediately after the declaration by the Chair, object to the declaration and a recorded vote shall be taken.

24.08 Recorded Vote of Council

Where a vote of Council is taken for any purpose and a Member requests, immediately prior or immediately subsequent, to the taking of the vote that the vote be recorded. Each Member present, beginning with the requester of the recorded vote, and continuing alphabetically from that member onward, except a Member who is disqualified from voting by reason of interest or otherwise, shall announce their vote openly and the Clerk shall record each vote. The Mayor shall be called upon to vote following all other Members.

24.09 Vote of the Chair

The Chair, except when disqualified to vote by reason of interest or otherwise, may vote with the other Members on all questions.

24.10 Vote on the Question

A motion that a vote on the question be now taken:

- a) cannot be amended or debated;

- b) cannot be proposed when there is an amending motion under consideration except for the purpose of moving that the amending motion be put;
- c) when resolved in the affirmative, shall be followed immediately by the original motion which shall be put forward without debate or amendment;
- d) can only be moved in the following words: "That the question be now put" or "Call the question"; and
- e) requires a two-thirds vote of the Members present.

## **25 Contingencies**

- 25.01 In all contingencies not provided for in this by-law, the question shall be decided by the Chair and in making such a ruling, the decision shall be based on Robert's Rules of Order.

## **26 Suspension of Rules**

- 26.01 Any procedure required by this by-law may be suspended with consent of not less than two-thirds of the Members present.

## **27 Two-Thirds Vote**

- 27.01 A two-thirds vote shall be deemed to have been accomplished with the following voting in the affirmative:
- five of seven Members
  - four of six Members
  - three of five Members
  - three of four Members

## **28 Commencement and Administration**

- 28.01 This by-law shall be administered by the Clerk.
- 28.02 By-law 7212/12 and all amendments to 7212/12 are hereby repealed.
- 28.03 The short title of this by-law is the "Procedural By-law".

Original By-law passed on the 10<sup>th</sup> day of December, 2018.